

Office of Professional Accountability (OPA) Commendations & Complaints Report September 2004

Commendations:

Commendation Received in Sept: 38

Commendations Received to Date: 541

Rank	Summary
(1) Officer	An officer was commended for his diligence and efforts resulting in the recovery of a stolen vehicle.
(1) Lieutenant (2) Civilians	Police personnel provided suggestions and solutions regarding education and safety issues to a local community-housing complex. The citizens were thankful for the police support and the efforts to resolve on-going safety issues.
(1) Officer	An officer assisted in providing calmness and comfort to a citizen involved in a vehicle accident.
(1) Parking Enforcement Officer	A grateful out-of-state family was visiting the Seattle area and encountered difficulties in locating their hotel due to Seafair festivities. The family was impressed when they received a courteous escort to their hotel and were offered cold refreshments from a parking enforcement officer.
(1) Officer	A citizen had the privilege of participating in a ride-a-long with an officer where the officer exhibited qualities of professionalism, politeness and firmness when necessary. The citizen stated that the officer is a credit to the Police Department.
(3) Officers	Accolades were received for members of the Emergency Preparedness Bureau for their outstanding collaboration and excellent performance training for officers.
(1) Civilian	A citizen expressed sincere appreciation and gratitude for the excellent work of a civilian employee.
(1) Lieutenant (2) Officers	Three officers made a memorable impression on a Little League team of economically disadvantaged boys. The officers were kind and took time out of their busy schedules to welcome and talk with the team.
(1) Sergeant	An elderly man became confused and unable to locate his tour bus after a Mariners game. Fortunately, a sergeant was able to direct and escort the man to his bus before it left. The sergeant's help was greatly appreciated.
(1) Officer	An officer discovered a book of blank checks at Safeco Field and contacted the named addressee. The citizens were so shocked to learn of the lost checks and were impressed that the officer was so concerned with returning the checks.
(1) Captain (1) Dispatcher	Thanks to a captain and a dispatcher for their tireless efforts in the testing of the portal and implementation of the Washington State AMBER Alert program. Washington State was the first state in the nation to use the newest technology in AMBER Alert notifications.
(3) Officers	Kudos for three officers in the apprehension and arrest of two suspects of a reported stolen vehicle.
(1) Detective	A detective's tenacity and resourcefulness was appreciated when a commuter's (only transportation) stolen bicycle was recovered. The officer's diligence is a credit to the police force.
(1) Lieutenant	A commendation was received for a lieutenant's excellent customer service that he provided to citizens in the area. The lieutenant empathized with the complainants concerns and then educated them about the actions of the police department and other involved parties.
(2) Detectives	Two detectives were resourceful and recovered items from a stolen vehicle. The owners were grateful and expressed their appreciation for excellent professional service.

(1) Officer	Commendations were received for an officer that mediated a parking dispute.
(2) Officers	Through diligence and knowledge of tactics and procedures a shooting suspect was located and taken into custody
(1) Officer	An officer responded to a 911-dispatch call regarding a stolen vehicle. The owner was appreciative of the officer's professional conduct and caring attitude.
(1) Officer (1) Civilian	Several Block Watch meetings were held in the Seattle area and an officer and civilian provided resource information to all concerned neighbors. The officer's presentation was friendly, informative and professional.
(1) Sergeant	A sergeant was selected to receive a 2004 Domestic Violence Award based on deterring serious crimes in the Seattle area.
(1) Officer	An officer exhibited professional conduct upon an investigation of a car burglary and provided advice on how to eliminate future break-ins.
(1) Civilian	The community crime prevention program coordinator listened to the concerns of an unsafe area during neighborhood meetings. Through observations and concrete suggestions, steps were taken to secure the space for the benefit of the whole community. With his actions and support, the area is now safe and peaceful for the community to utilize.
(3) Officers	Three officers responded to a call where a home had been burglarized. The customer service the officers provided surpassed any prior experiences. The officers were polished professionals who prided themselves in taking care of citizens.
(1) Officer	A citizen reported a family member missing and had contact with an officer that showed concern and compassion for the situation. The officer kept the family informed of the steps taken to locate the individual. The family was elated when the officer provided the whereabouts of the missing person.

September 2004 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
It was alleged that the named officer's use of pepper spray on a crowd was unnecessary.	The evidence showed that officers were breaking up parties along a row of houses. At one house, a large crowd gathered in front of the officer. There was some conflicting evidence about the size of the crowd, and the number within it who were holding glass bottles and/or shouting obscenities at the police. The crowd was ordered to disperse, but did not. The named officers both stated that the situation had worsened rapidly and that they feared for their safety. They felt the need to leave was immediate. The named officer stated that he sprayed pepper spray over the top of the crowd to enable he and his partner to retreat safely. The force was documented, screened, and reported. The officers felt there was no reasonable alternative to the use of pepper spray. Finding – EXONERATED.
Complainant alleged that during his arrest, officers used unnecessary force.	The investigation showed that the complainant was parked in a witness' carport. The witness contacted the complainant, believed he was on drugs, and asked him to leave. She called police when he refused. When officers arrived, the subject sped away backwards and crashed his car into a home. Both named officers state the subject did

	not cooperate and refused to follow their directions. He resisted arrest, and both officers used force to get him under control. The force used was documented, screened, and reported, and was consistent with the subject's injuries. The complainant was under the influence of narcotics during the encounter, and was acting erratically and irrationally. Finding – EXONERATED.
Complainant alleged the named employees used unnecessary force while escorting her out of a nightclub.	The investigation showed that the complainant made a hostile gesture and touched a fire commander at the scene. The named employee asked the complainant to exit the establishment. The complainant became hostile and did not cooperate. The named employee grabbed the subject's arm and escorted her from the building. The complainant struggled and resisted the escort. The bruising to the complainant's arm stemmed from the proper application of force. Finding – EXONERATED.
The complainant alleged the named officers used excessive force during his arrest for auto theft.	The complainant was arrested for auto theft. Arresting officers stated the complainant refused commands to exit the car, and had to be removed forcibly. The force used was documented, screened, and reported. An independent witness who observed the crime and the arrest verified that the subject was uncooperative, and that officers did not hit him or use excessive force. Finding – EXONERATED.
Complainant alleged that named officers used unnecessary force during an arrest following a drug transaction.	A thorough investigation was conducted. The evidence indicates that the subject was involved in a drug transaction and ran from plainclothes officers when confronted. A foot pursuit ensued, and the two named officers were both involved in tackling and handcuffing the subject. The subject stated that he ran, and that once tackled, he was struck in the head and face numerous times for no reason. The named officers state that they tackled the subject, struggled to handcuff him, but did not strike him. An independent witness who observed the encounter stated that the named employees struck the subject in the head and face. The allegation could not be established by a preponderance. Finding – NOT SUSTAINED.

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
It was alleged that the named employees used profanity during a contact on the street.	During the investigation, the complainant recanted her allegation as to one of the named employees. Finding – ADMINISTRATIVELY UNFOUNDED. As to the other employee, there was no evidence to support that he had made the statements alleged. Finding – UNFOUNDED.

FAILURE TO TAKE APPROPRIATE ACTION

Synopsis	Action Taken
It is alleged that the named employee failed to take appropriate action at a domestic violence call. It is also alleged that the named employee attempted to interfere with the testimony of a witness officer in this case.	The investigation showed that the named employee was the primary officer on a domestic violence call. The named employee felt that the subject was not credible, and did not believe a crime had occurred. He cleared the call without taking a police report. However, the subject articulated circumstances clearly describing a domestic violence incident, including threats with a weapon. Department policy requires a police report be written at all domestic violence

	calls. Finding – SUSTAINED. The investigation also showed that the named employee made efforts to influence the testimony of a witness officer in the case. Finding as to Interference with Reporting Misconduct – SUSTAINED.
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Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

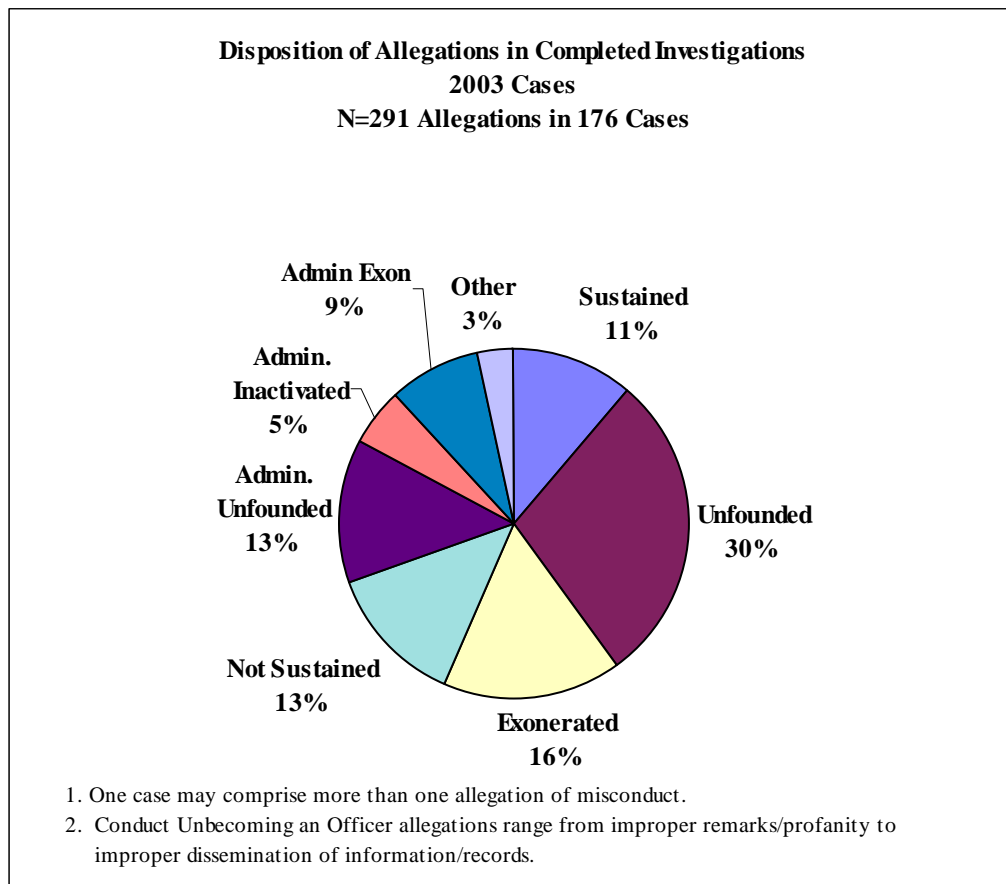
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2003 Contacts

	December 2003	Jan-Dec 2003
Preliminary Investigation Reports	7	415
Cases Assigned for Supervisory Review	2	79
Cases Assigned for Investigation (IS;LI)	10	185
Cases Closed	2	176
Commendations	70	861

*includes 2003 cases closed in 2004



2004 Contacts

	September 2004	Jan-Dec 2004
Preliminary Investigation Reports	14	210
Cases Assigned for Supervisory Review	4	37
Cases Assigned for Investigation (IS;LI)	19	149
Commendations	38	541